

**SUMMON
PHYSICIAN IN
HEARING FOR
NEW TRIAL**

Counsel for Frank to
Call Dr.

Harris, Who
Examined Hair
Found on
Lathes

One witness, Dr. H. F. Harris, secretary of the state board of health, has been subpoenaed to appear in the criminal division of

the superior court on Thursday morning at 10 o'clock by attorneys for the defense of Leo M. Frank, whose extraordinary motion for a new trial will then be filed.

Dr. Harris has refused to sign the affidavit relating to the now famous hair incident, which was prepared for him by the defense, and the issuance of the subpoena has resulted. The procedure is expected to be the placing of a series of questions to the physician by the defense, and the questions and answers will be embodied in the extraordinary motion along with the many affidavits on which the defense bases its plea for another trial.

Dr. Harris compared hair taken from the head of Mary Phagan, when the body was exhumed, with the hair found on the lathe in the metal room in the factory.

After his examination, the physician declared that the hair found on the lathe was not Mary Phagan's. This fact was not developed at the trial of Frank, however, and did not become known until a few months ago, when The Journal published an exclusive interview with the physician.

Dr. Harris, it is said, refused to sign an affidavit as prepared by the defense, insisting, it is said, on adding points considered immaterial by the attorneys. As a result, he has been subpoenaed before the court and will be asked various questions relating to the incident.

Judge Ben H. Hill will be in his chambers at the Thrower building at 10 o'clock Thursday morning, and it is expected that the extraordinary motion will be filed at that hour. Attorneys for Frank will ask a *rule nisi*, setting a date for the hearing and staying the execution of Frank, which has been set for Friday.

The extraordinary motion of the defense will be amended before it is argued, but whether or not the amendments will be attached Thursday is problematical.

It is said that the defense has secured recently much important evidence, which will corroborate the statement of Mrs.

J. B. Simmons that a woman, in the basement of the factory, screamed very loudly between 2:30 and 3 o'clock on the day of the tragedy.

This will be one of the important points of the defense which will argue that the crime was committed after 2 o'clock, not before 1 o'clock as the state claimed at the trial of Frank.

William J. Burns, who is said to have discovered much new evidence, favorable to Frank, did not return to the city on Thursday, and Dan S. Lehon, his lieutenant, who is now in charge, states that it may be several days before Burns appears on the scene again.

He is constantly in touch with developments here, however, Mr. Lehon states.
